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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 PHIL SAMPSON,

12 Plaintiff,

13 v.

14 GILLESPIE, et al.,

15 Defendant.
16

Case No. 1:20-cv-00322-DAD-SAB

ORDER REQUIRING DEFENDANT TO
FILE RESPONSIVE PLEADING

SEVEN DAY DEADLINE

17 On March 2, 2020, Defendants removed this matter from the Fresno County Superior
18 Court to the Eastern District of California. (ECF No. 1.) On March 19, 2021, an order issued
19 granting in part and denying in part Defendant's motion to dismiss. (ECF No. 19.) The order
20 required Plaintiff to either file an amended complaint or notify the Court of his intent to proceed
21 only on the claims found to be cognizable in the order. (Id.) On April 19, 2021, Plaintiff filed a
22 notice of intent to proceed on the cognizable claims. (ECF No. 20.) Accordingly, this action is
23 now proceeding against Defendants on Plaintiff's claims for an equal protection violation and
24 municipal liability. (ECF No. 19 at 16.)

25 Pursuant to Rule 12 of the Federal Rules of Civil Procedure, if the Court denies a motion
26 brought under Rule 12, "the responsive pleading must be served within 14 days after notice of
27 the court's action." Fed. R. Civ. P. 12(a)(4)(A). Here, the order granting in part Defendant's
28 motion to dismiss was filed on March 19, 2021. (ECF No. 19.) Plaintiff filed notification that he

1 would proceed on the claims found to be cognizable on April 19, 2021. The deadline to file a
2 responsive pleading has passed and Defendant has not filed a responsive pleading or sought an
3 extension of time to do so.

4 Accordingly, IT IS HEREBY ORDERED that Defendant shall file a responsive pleading
5 within **seven (7) days** of the date of entry of this order.

6
7 IT IS SO ORDERED.

8 Dated: **May 24, 2021**


UNITED STATES MAGISTRATE JUDGE